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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,420	07/01/2005	Thomas Falck	DE 030016	7633

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EXAMINER	
JOHN, BAGVAN CLARENCE	
ART UNIT	PAPER NUMBER
4121	

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09/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,420	<b>Applicant(s)</b> FALCK ET AL.
	<b>Examiner</b> B. CLARENCE JOHN	<b>Art Unit</b> 4121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08) \_\_\_\_\_  
 Paper No(s)/Mail Date 5/9/2007.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, A network having at least one slave terminal ... to "the requesting slave terminal". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites, A network having at least one slave terminal ... "one other terminal" to be incorporated .... It is unclear about this "one other terminal" which is neither specified nor described anywhere in the specification.

Claim 2 recites, A network as claimed in claim 1, ... said terminal under "certain conditions". It is unclear about certain conditions which are not described clearly.

Claim 4 recites, A network as in claim 1 ... "the change into the state" .... It is unclear about, "the change into the state". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites, A network as in claim 1 ... "the change into the state" .... This "change into state" makes no sense as it is vague and indefinite language and which makes the claim incoherent.

Claim 5 recites, A network as claimed in claim 1 ... "the Bluetooth Standard" ... There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2, 4 -7 are rejected under 35 U.S.C. 102(e) as being anticipated by Luman et al. (US 2003/0037125).

With respect to Claim 1, Luman teaches a network having at least one slave terminal and a master terminal connected thereto that is provided to issue requests to at least one slave terminal to search for at least one other terminal to be incorporated in the network, (Page 2, paragraph [0023] lines 2-5. Here, device A is the Master Device

and device B is the Slave device, following Bluetooth communication); wherein a non-incorporated terminal is provided for transmitting a response to the requesting slave terminal after receiving a request and wherein the requesting slave terminal is provided for forwarding the response to the master terminal. (Page 2, paragraph [0026]. Here, originally Device A was the master terminal and Device B was the slave terminal. Device B acts as the master terminal now with Device C being the slave terminal which is non-incorporated. Device B also acts as the frequency shifting repeater, receives the information from Device A and re-transmits that which is meant to reach Device C and vice-versa. ]).

With respect to Claim 2, Luman teaches a network as claimed in claim 1, characterized in that, after receiving a response of a hitherto non-incorporated terminal, the master terminal is provided for setting up a connection to said terminal under certain conditions. (Page 2, paragraph [0026], lines 5-9).

With respect to Claim 4, Luman teaches a network as claimed in claim 1, characterized in that a slave terminal incorporated in the network is not provided for the change into the state in which it transmits a response to a request from another terminal. (Page 2, paragraph 22).

With respect to Claim 5, Luman teaches a network as claimed in claim 1, characterized in that a terminal has a first software component operating according to the Bluetooth

Standard (Page 1, paragraph [0015], lines 1-3); and a second software component for controlling the first software component, which second software component is provided for converting instructions of a third application-oriented software, and in that the second software component is provided for incorporating a terminal. (Page 3, paragraph [0041], lines 2-7. Here the operating system of the device and any programs or processes are the second and third software components).

With respect to Claim 6, Luman teaches a network as claimed in claim 1, characterized in that the master terminal is provided to issue a request to only a single slave terminal not involved in the communication. (Page 2, paragraph [0026], lines 5-9).

With respect to Claim 7, Luman teaches a terminal that is provided for incorporation as a slave or master terminal in a network, wherein the terminal is provided as master terminal for charging at least one slave terminal with requests to search for at least one other terminal to be incorporated in the network, (Page 2, paragraph [0023] lines 2-5. Here, device A is the Master Device and device B is the Slave device, following Bluetooth communication); and wherein the terminal is provided as a non-incorporated terminal after receiving a request for the transmission of a response to the requesting slave terminal, and wherein the terminal is provided as requesting slave terminal for forwarding the response to the master terminal. (Page 2, paragraph [0026]) Here, originally Device A was the master terminal and Device B was the slave terminal. Device B acts as the master terminal now with Device C being the slave terminal

which is non-incorporated. Device B also acts as the frequency shifting repeater, receives the information from Device A and re-transmits that which is meant to reach Device C and vice-versa.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luman in view of Jacobson et al. (US 6,044,402).

Luman teaches all limitations of Claim 2. However, with respect to Claim 3, Luman fails to teach that the master terminal which is provided for incorporating a terminal in the network as a slave terminal if the slave terminal is not contained in a special list.

Conversely, Jacobson does in fact teach such a limitation. According to Jacobson, a network address block list is provided where a connection blocker monitors connections between host computers in a network and blocks unwanted connections.  
(Page 14, Line 53-56 and Figure 10, Network Address Block List 202).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Jacobson with Luman, which provides network security to a subnet by passively monitoring the network devices and blocking unwanted connections.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. CLARENCE JOHN whose telephone number is (571)270-5937. The examiner can normally be reached on Weekdays from 7:30 AM - 5:00 PM, Monday - Thursday and Alternate Fridays, from 7:30AM-4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on (571)272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BCJ/  
B. Clarence John  
Patent Examiner  
Art Unit 4121

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